IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 129 OF 2006

Lata Praful Vaidya .. Petitioner

Vs.

The State of Maharashtra .. Respondent

Mr. H.S. Venegavkar for the Petitioner.
Mr. A.S. Gadkari, APP for State.

CORAM : B. H. MARLAPALLE &
SMT. R.S. DALVI,JJ.

Date : February 21, 2006.

P.C.:

1. Heard Mr. Venegavkar, the learned counsel for the petitioner. Mr. Gadkari, the learned APP, has placed before us the investigation record, as maintained by the EOW Wing of the Bombay Police.

2. It appears that the petitioner started a partnership firm with her cousin Devendra Bhalchandra Patankar in the name and style of Lata Vaidya and Jewellers from 2/4/2005. In the said business Devendra used to collect gold ornaments from other jewellers' shops and sell them on commission and the

commission was being shared between the partners.

3. The petitioner approached the police on 20/9/2005 and with the reminder on 7/10/2005 and complained that Devendra has cheated the petitioner as well as other jewellers and caused loss to the extent of Rs.1,25,71,000/-. As per the said complaint Devendra has collected some 4100 gms. of gold jewellery from the petitioner but has neither returned nor sold the same and thus the petitioner has suffered a loss of Rs.27 lacs. She, therefore, prays for direction against the police to register her complaint and investigate into the same.

4. The papers placed before us do indicate that the police machinery has started the investigation and the prima facie inquiry, as per the police, reveals that the jewellers have, in fact, handed over the gold or gold ornaments to the petitioner's husband i.e. Praful Vaidya who seems to enjoy good reputation in the market. The statements of some other jewellers, namely, the complaint have been recorded by the police during the course of investigations and all of them have stated that the ornaments were handed over to Mr. Praful Vaidya and not Mr. Devendra Patankar. In any case, there is no reason to believe that the police

will not proceed with the investigation at least at this juncture.

5. We, therefore, do not see any reason to entertain this petition at this stage. Petition is, therefore, rejected.

(Smt.R.S. Dalvi,J.) **(B.H. Marlapalle, J.)**